

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM J. FOWLER,

Plaintiff,

vs.

FRANKLIN J. TENNIS, et al.,

Defendants.

CIVIL NO. 3:09-CV-01726

(Judge Kosik)

FILED
SCRANTON

MAY 23 2011

Per 
DEPUTY CLERK

MEMORANDUM AND ORDER

AND NOW, THIS 23rd DAY OF MAY, 2011, IT APPEARING TO THE
COURT THAT:

(1) Plaintiff, William J. Fowler, filed a civil rights action pursuant to 42 U.S.C. § 1983 on September 4, 2009 against numerous defendants based on alleged conduct which occurred while he was an inmate at the State Correctional Institution at Rockview;

(2) The action was assigned to Magistrate Judge J. Andrew Smyser;

(3) On September 4, 2009, plaintiff was provided with a copy of this court's Standing Practice Order (Doc. 5), which advised plaintiff of his obligation to inform the court of any address changes. Plaintiff was advised therein that if the court was unable to communicate with him because he failed to keep the court apprised on his address, plaintiff would be deemed to have abandoned the lawsuit;

(4) Following an extensive procedural history, wherein plaintiff changed his address on two occasions and notified the court of his new location (Docs. 68, 74), documents sent to plaintiff at the most recent address provided to the court were returned as "Return to Sender-Refused-Unable to Forward." (Docs. 78, 83, 91, 93, 94, 96);

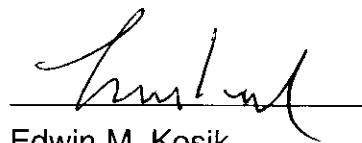
(5) On May 2, 2011, the Magistrate Judge filed a Report and Recommendation (Doc. 95), wherein he recommends that the action be dismissed pursuant to Fed. R. Civ. P. 41 (b) for failure to prosecute;

AND, IT FURTHER APPEARING THAT:

(6) Plaintiff has failed to comply with this court's Standing Practice Order (Doc. 5) in that the court has had no contact from plaintiff, and has been unable to reach plaintiff, since January 24, 2011;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

- (1) The Report and Recommendation of Magistrate Judge J. Andrew Smyser dated May 2, 2011 (Doc. 95) is **ADOPTED**;
- (2) The above-captioned action is **DISMISSED**; and
- (3) The Clerk of Court is directed to close this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.



Edwin M. Kosik

United States District Judge